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NOV 19 2020

IN THE CIRCUIT COURT OF ADAMS COUNTY, MISSISSIPPI

EVA J. GIVENS, CIRCUIT CLERK
BY PLAINTIFF BTH D.C.

CATHERINE WARREN

vs.

CAUSE NO.: 20-KV-0074-S

WAL-MART STORES, INC.;
WAL-MART ASSOCIATES, INC.;
WAL-MART STORES EAST, LP.;
AND JOHN DOES 1-10

DEFENDANTS

COMPLAINT
(JURY TRIAL REQUESTED)

COMES NOW the Plaintiff, Catherine Warren, (hereinafter "Plaintiff"), by and through her counsel, and hereby files this Complaint against Wal-Mart Stores, Inc., Wal-Mart Associates, Inc., Wal-Mart Stores East, LP., (hereinafter sometimes collectively referred to as Wal-Mart or Wal-Mart Store), and in support thereof states as follows:

I. PARTIES

1. The Plaintiff is an adult resident citizen of Adams County, Mississippi and presently resides at 167 Cardinal Dr., Natchez, Mississippi 39120.
2. The Defendant, Wal-Mart Stores, Inc., is a foreign corporation incorporated in the State of Delaware, with its principal place of business in Arkansas, and doing business in the State of Mississippi, whose agent for service of process is C.T. Corporation System, located at 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.
3. The Defendant, Wal-Mart Associates, Inc., is a foreign corporation incorporated in the State of Delaware, with its principal place of business in Arkansas, and doing business in the State of Mississippi, whose agent for service of process is C.T. Corporation System, located at 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.
4. The Defendant, Wal-Mart Stores East, LP., is a foreign Limited Partnership incorporated in the State of Delaware, with its principal place of business in Arkansas, and doing

business in the State of Mississippi, whose agent for service of process is C.T. Corporation System, located at 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

3. Defendant's, John Does 1-10, are the owners, operators, managers, and all other entities, corporate and/or individuals, of Wal-Mart, and/or other persons, entities, corporations, etc. that were at and/or responsible for the condition of the chemicals in question at the subject Walmart store which is located at 314 Sgt. S. Prentiss, Natchez, Mississippi 39120; who were in some manner negligently and proximately responsible for the events and happenings alleged in this Complaint and for the Plaintiff's injuries and damages. Plaintiff will amend his Complaint to allege the true capacity of these parties when they are ascertained.

II. JURISDICTION AND VENUE

4. This Court has jurisdiction of the parties and the subject matter of this action. Venue is proper as this civil action arises out of negligence acts and omissions committed in Adams County, Mississippi, and the cause of action occurred and/or accrued in Adams County, Mississippi.

III. FACTS

5. The Plaintiff adopts and herein incorporates by reference every allegation as set forth above.

6. At all times mentioned in this Complaint, the Defendants, Wal-Mart, managed, leased and/or owned property located at 314 Sgt. S. Prentiss, Natchez, Mississippi 39120.

7. At all times mentioned in this Complaint, the Defendants, Wal-Mart, invited the general public, including the Plaintiff, who was in the subject store in the course and scope of her employment with a third party vendor of Defendants, to enter the Premises of Wal-Mart located

at 314 Sgt. S. Prentiss, Natchez, Mississippi 39120, for reasons mutually advantageous and/or for said Defendant's economic benefit.

8. On or about November 21, 2017, at the subject Walmart store, the Plaintiff was in the process of removing numerous containers of toxic pool cleaning chemicals from boxes on pallets where they had been placed by Walmart employees in a back room at the subject store. Some of these containers were no longer sealed and some were not standing upright, allowing toxic chemicals in both powder form and liquid form to spill out of the containers, thereby creating a dangerous condition. As Plaintiff was removing these containers she came in contact with these toxic chemicals on her body in in her lungs through inhalation, thereby causing her to sustain serious injuries and damages.

9. This dangerous condition was created by Defendants; and there were no warning signs warning of the potential dangers of encountering or inhaling these toxic chemicals.

10. Defendant Wal-Mart, as owner and/or operator of the area where the Plaintiff was seriously injured, owed a duty to the Plaintiff to keep the area of the store in a reasonably safe condition, to correct any dangerous conditions, to warn the Plaintiff of any dangerous conditions not readily apparent of which it knew or should have known in the exercise of reasonable care, and to conduct reasonable inspections to discover dangerous conditions existing on the premises of Walmart.

11. These open containers of toxic chemicals constituted a hazardous and dangerous condition, causing the Plaintiff's injury.

12. Wal-Mart had a duty to retain and/or employ employees and/or owner/operators that would maintain Walmart in a safe and reasonable manner and that would not create a danger to others.

13. The Defendant, Wal-Mart, as owner and/or operator of the store where the Plaintiff was seriously injured, breached the duties owed to the Plaintiff by:

- a. Failing to maintain the premises of the subject store in a reasonably safe condition;
- b. Failing to exercise reasonable care by leaving open containers of toxic chemicals where Plaintiff would be exposed to them, creating a dangerous condition, and allowing it to remain in a dangerous condition;
- c. Failing to remedy and/or warn of the dangerous condition, which created an unreasonable risk of harm to invitees at the store;
- d. Failing to properly inspect the premises in order to discover the hazardous condition on the premises;
- e. Failing to otherwise exercise due care with respect to the matters alleged in this Complaint.

14. Further, Defendant Wal-Mart, was negligent through the actions and inactions of its agents, representatives, and/or employees. The negligence of Defendant Wal-Mart includes, but is not necessarily limited to, the following:

- a. Failure to adequately inquire into the competence of employees and/or others, if any, that were responsible for maintaining safe conditions at the store;
- b. Failure to adequately train and supervise employees and/or others, if any, that were responsible for maintaining safe conditions at the store;
- c. Failure to comply with industry standards/regulations and the law of the State of Mississippi;
- d. Failure to act reasonably under the circumstances;

e. Other acts of negligence to be shown at the trial of this cause.

15. As direct and proximate results of the negligence of the Defendant as set forth above, the Plaintiff sustained injuries and damages including, but not limited to, physical injuries; past, present, and future pain and suffering; past, present, and future medical expenses; and other damages that will be proved at the trial of this matter.

PRAYER OF RELIEF

WHEREFORE, PREMISES CONSIDERED, the Plaintiff, Catherine Warren, requests a trial by jury and demands damages including actual, compensatory, consequential, and incidental damages, for physical injuries; past, present, and future physical and emotional pain and suffering, past, present, and future medical expenses; and any other special damages that may be incurred by the Plaintiff, together with attorney fees, costs of suit and any further relief as the Court may deem proper under the circumstances.

RESPECTFULLY SUBMITTED, this the 18th day of November 2020.

CATHERINE WARREN

By:


MARTIN R. JELLIFFE (#3067)

OF COUNSEL:

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